

GOVERNMENT OF ANDHRA PRADESH
ABSSTRACT

Public Services – T & A Dept. – Sri D. Gangadri, Junior Accounts Officer, O/o. Commissioner of Civil Supplies, A.P., Hyderabad – Notional seniority in the category of J.A.O. – Orders – Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No. 4877

Dt:19 -12-2008

Read the following:

1. Orders of Hon'ble A.P.A.T. dt. 4-2-2008 in O.A.No.3806/2004.
2. Lr. No.C2/2519/2004, dt. 30-8-2008 from the D.T..A., A.P., Hyd.

O R D E R:

The Director of Treasuries & Accounts, Hyderabad in his letter has stated that Sri D. Gangadri, J.A.O., was included in the panel of Sr. Accountants for promotion to the category of J.A.Os. during the panel year 2003-2004 and placed before the D.P.C., but his name was passed over due to non-passing of the T&A Service Examination. The roster point No.25 of ST was utilized by showing a junior to the individual i.e., T.Krishna, Sr. Accountant who is fully qualified for inclusion in the panel for promotion. Sri D. Gangadri, Sr. Accountant appeared for the TAS Examination paper of Part-I in November, 2003 and passed the test. Subsequently the individual was promoted to the category of J.A.O., during the panel year 2004-05 against roster point No.33 meant for STs. Sri D. Gangadri, J.A.O. has submitted representation on 8-2-2008 to consider his name for inclusion in the panel for the year 2003-2004, but the same has been rejected stating that he passed the test in November, 2003. Against the said rejection the individual filed O.A.No. 3806 of 2004 before Hon'ble A.P.A.T. The Hon'ble APAT in the order dt. 4-2-2008 in O.A.No.3806 of 2004 has directed the respondents to examine the case of the applicant for inclusion of the name of the applicant in the panel 2003-2004 in accordance with the declaration given by the Tribunal in O.A.No. 3957/2004 with VMA No. 557/2004 dt. 28-2-2005 and conduct review D.P.C. by including the name of that applicant in the panel prepared for the year 2003-2004 and pass appropriate orders for promotion to the post of J.A.O., after giving notice to the affected parties by following the principles of natural justice. The DTA has stated that the name of Sri D. Gangadri, Sr. Accountant, was included in the panel of Sr. Accountants for promotion to the category of J.A.Os. during the panel year 2003-2004 and placed before the DPC, but his candidature was passed over due to non-passing of the T & A service Examination. Further the roster point No.25 of ST was utilized with another Junior Accountant who is junior to the individual i.e., T. Krishna, Sr. Accountant who is fully qualified for inclusion in the panel for promotion. Therefore, the subsequent Roster point No.33 of ST has been carried forward due to non-availability of eligible candidate.

2. The DTA also stated that subsequently Sri D. Gangadri, Sr. Accountant, appeared for the TAS Examination Paper of Part-I in November, 2003 and passed the test. While drawing the panel of S.As. for promotion to the category of J.A.Os., the name of Sri D. Gangadri was placed before the DPC during the panel year 2004-2005 against the carry forward roster point No.33 meant for STs. In terms of G.O.Ms.No.2 (S.W. (ROR) Department, dt. 9-1-2004, was promoted to the category of J.A.O. His services were regularized w.e.f. 5-2-2005 in the category of Junior Accounts Officer. As per the order dt. 4-2-2008 of Hon'ble APAT, the Review DPC was convened on 13-5-2008. The Departmental Promotion Committee, approved the name of Sri D. Gangadri, Sr. Accountant, who is presently working as Junior Accounts Officer, against the roster point No.25 ST in place of Sri T.Krishna, Sr. Accountant (presently working as Junior Accounts Officer), below the name of Smt. D. Padma and above Sri G. Atchutaramaiah, and placed the name of Sri T. Krishna against the roster point No.33 meant for STs., below the name of Sri R. Satyanarayana and above Smt. Vajeeth Fathima. Further it is informed that the services of Sri D. Gangadri and Sri T. Krishna were regularized on 5-2-2005 and 22-7-2004 respectively in the category of Junior Accounts Officer. Consequently the individuals shown in the Annexure who will be affected on the above proposed Notional promotion of Sri D. Gangadri, Junior Accounts Officer, in the category of J.A.O., were issued notices and requested to submit their representation if any on the Notional promotion of Sri D. Gangadri, Junior Accounts Officer from the date of promotion of his immediate junior i.e., Sri G. Atchutaramaiah, Junior Accounts Officer, within 15 days vide DTA Memos. Dt. 28-5-2008 and 28-7-2008 and the same was published in the A.P. Gazette, vide A.P. Gazette No.25, dt. 19-6-2008.

3. It is also stated by the DTA that in response to his office circular Memo. dated 28-7-2008 only one J.A.O., i.e., Sri T. Krishna, working in O/o. the Director of Animal Husbandry has submitted a representation dt. 16-6-2008 and raised objection stating that Sri D. Gngadri was not at all qualified for inclusion in the panel of J.A.Os. in the panel for the year 2003-2004 which was due on 1-9-2003. Further stating that "according to proviso under Rule 6

(b) of General Rules for the State and Subordinate Services, review panel shall be prepared after 6 months from the date of approval of panel affording chance for inclusion in the review panel for those who did not qualify themselves for inclusion in the panel on account of non-passing the departmental tests. Sri D. Gangadri has no claim for placement of his rank over and above Sri G. Achutaramaiah, as he did not pass the tests on due dates. One can not claim promotion as a matter of right. According to G.O.Ms.No.354, G.A. (Ser.A) Dept., dt. 11-5-1990, the rank of a candidate who would be placed below the candidates already promoted and the names of the last candidate shall be deleted from the original panel”.

4. It is also stated that the objection raised by the individual merits no consideration since the individual case is within the provisions of Rule 6 (b) of General Rules for the State and Subordinate Services Rules, 1996 and also as per Govt. Memo. as mentioned by G.A. Dept. at para 16 on p.5 ante. Further it is also stated that due to above proposed notional seniority in the category of Junior Accounts Officer, the date of regularization of J.A.Os. listed in between Smt. D. Padma and Smt. Vajeeth Fathima will not affect since the date of regularization of all the J.A.O's is 22-7-2004. The DTA also furnished the copy of the seniority list of J.A.Os.

5. The DTA requested to assign notional seniority to Sri D. Gangadri, in the category of Junior Accounts Officer w.e.f. 22-7-2004 by placing him below Smt. D. Padma and above Sri G. Atchutaramaiah against the Roster point No.25 meant for STs. while placing the name of Sri T. Krishna against the roster point No.33 meant for STs. below the name of Sri R. Satyanarayana and above Smt. Vajeeth Fathima.

6. After careful examination of the matter, in exercise of powers conferred under Rule 31 of A.P. State & Subordinate service Rules, 1996, Government hereby order to assign notional seniority to Sri D. Gangadri, in the category of Junior Accounts Officer w.e.f. 22-7-2004 by placing him below Smt. D. Padma and above Sri G. Atchutaramaiah against the Roster point No.25 meant for STs. while placing the name of Sri T. Krishna against the roster point No.33 meant for STs., below the name of Sri R. Satyanarayana and above Smt. Vajeeth Fathima in relaxation of Rule 33(a) of A.P. State & Subordinate Service Rules, 1996.

7. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. SAMEER SHARMA

SECRETARY TO GOVERNMENT (FP)

To

The Director of Treasuries & Accounts, Hyderabad.
SC/SF

// Forwarded :: By Order //

SECTION OFFICER